

1 right. What do they call those things?

2 MR. COOK: Spiral binders.

3 ADMIN. JUDGE SIPPEL: Spiral binders, yes,
4 that's not going to work with this procedure so that's
5 going to have to be redone.

6 MR. COOK: Okay.

7 ADMIN. JUDGE SIPPEL: Now, what do what do
8 we do with the marking of the exhibits -- the marking.

9 MR. SEIVER: Well, Your Honor, if it helps,
10 I mean, they are numbered already sequentially if you
11 -- for example Bowen's depositions it starts at Page
12 48 and all those page numbers are down there so we
13 could say Pages 48 through, I guess, it would be up
14 through 76 and then when you look at the three ring
15 binder it'll have those same numbers at the bottom, 48
16 through 76. And then -- or we could renumber them,
17 because we know how many pages there are from our
18 designations and we could say the 37 pages of Mr.
19 Bowen's testimony, and if we already have the pages
20 that we've done itemized we could re-itemize those.

21 ADMIN. JUDGE SIPPEL: All right. Well we
22 do have -- we do have the stamp.

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1 MS. PARKER: I have a question.

2 ADMIN. JUDGE SIPPEL: Go ahead Ms. Parker.

3 MS. PARKER: During -- the last time -- the
4 hearing we never did get copies of this thing anyway
5 or the dockets. We only had copies that we had.
6 That's we -- so we --

7 MS. LIEN: Aren't you supposed to complete
8 these?

9 MS. PARKER: Yes, it might have been that
10 way, but we didn't get our copies. I guess it -- it
11 might have been just filed already. I don't know what
12 happened.

13 ADMIN. JUDGE SIPPEL: Are you hearing this
14 Ms. Reporter?

15 MS. PARKER: Okay. This might be in the
16 record then like that, because it went to the
17 Secretary's Office. It went to the dockets.

18 ADMIN. JUDGE SIPPEL: Yes, but it's not in
19 the evidence.

20 MS. PARKER: Not in evidence. Okay. Okay.
21 Yes, so.

22 ADMIN. JUDGE SIPPEL: It's not in evidence.

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1 MS. PARKER: Okay.

2 MR. COOK: I think what we are agreed upon
3 is we'll -- we'll take these seven sets of excerpts
4 and what is in or what is in after today and we'll
5 take counter designations and we'll pull -- we'll pull
6 the copy, pull this out, three punch them and give the
7 court a binder, which says Complainant's Exhibits 84-
8 90 and it'll have the Gulf Power Tab A for each one
9 with their counter-designations and we can -- we can
10 mark on these pages Complainant's Exhibit 84. I guess
11 the question is should we also do another set of
12 pagination, like 84 Page 1, Page 2, Page 3 or can we
13 rely on the existing Complainant's depo excerpts
14 pagination that is there right now.

15 ADMIN. JUDGE SIPPEL: That's an internal
16 pagination, that won't work.

17 MR. COOK: It -- I'm sorry?

18 ADMIN. JUDGE SIPPEL: What you have there,
19 no don't -- don't create anything new as far as
20 pagination.

21 MR. COOK: Don't create anything new. Okay.

22 ADMIN. JUDGE SIPPEL: That's -- that's --

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1 that'll be easy to find.

2 MR. COOK: Then we can just -- we can just
3 stamp it Complainant's Exhibit 84, each page of those
4 and he can do the same 84A and that way, you know, any
5 given page that you look at you will immediately know
6 what the exhibit number is. It'll just have the
7 pagination that -- that we have or the original
8 deposition pagination for your excerpts.

9 ADMIN. JUDGE SIPPEL: Well when -- when
10 were you contemplating doing that?

11 MR. COOK: Really if it's to be done by
12 stipulation we would get what they offer, decide
13 whether we agree, agree and then right away it would
14 take perhaps a day or two to -- to do the mechanics
15 and send it across the street to the copy service and
16 get the volumes produced and get them to you.

17 ADMIN. JUDGE SIPPEL: Yes, but I'm trying
18 to get to an even more fundamental question. What we
19 normally do is a document is -- is marked for
20 identification and received into evidence at the
21 hearing and that means that the court reporter stamps
22 it and marks it, initials.

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1 MR. COOK: Okay.

2 ADMIN. JUDGE SIPPEL: That's how -- that's
3 -- that's how it works. Now we're going to go --
4 we're going to vary from that proceeding today unless
5 -- because you're not going to have -- you don't have
6 them in form to submit them to the record, unless you
7 -- what did you contemplate having those marked?

8 MR. CAMPBELL: Well we could give you at
9 the end of today's proceeding our excerpts, but we --
10 we've learned that they don't -- they don't have their
11 excerpts today.

12 ADMIN. JUDGE SIPPEL: You're still not --
13 you're still not following my problem.

14 MR. CAMPBELL: Instead of messing around
15 with the procedure, and I hate to be the one to
16 suggest it, but it sounds like we have a couple of
17 housekeeping issues we need to deal with with respect
18 to the exhibits. Perhaps what we need to do is have
19 a short session where we come in open court. We all
20 get in here prior to Your Honor taking the bench,
21 straighten out the issue with respect to the
22 confidentiality, stamps on the other documents and get

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1 that all straightened out on the official record and
2 then convene for the limited purpose of moving these
3 deposition exhibits in with the counter designations
4 and everything's neat and clean.

5 ADMIN. JUDGE SIPPEL: That sounds like that
6 boat has sailed. I like that. Okay. So let's just -
7 - the only thing we're going to focus on today then
8 are the motions to strike. And everything else is
9 going to be done outside the courtroom. We'll come
10 back in here very briefly at an appropriate time and
11 receive this formally on the record, so they can be
12 stamped and marked etcetera. Okay.

13 MR. SEIVER: Once again I think we're in
14 agreement.

15 ADMIN. JUDGE SIPPEL: Ms. Parker does that
16 work?

17 MS. PARKER: Okay.

18 ADMIN. JUDGE SIPPEL: Mr. Shook?

19 MR. SHOOK: The parties are happy.

20 MR. CAMPBELL: Well happy is a strong word.
21 We agreed on something.

22 MR. COOK: We're not unhappy.

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1 MR. SHOOK: When you -- when you guys agree
2 on something it's a very good thing. Go ahead.

3 ADMIN. JUDGE SIPPEL: Well this -- this is
4 making me very happy so let's go. Anything -- Ms.
5 Parker do you care to stay or whatever you want to do.
6 Let's just start with the -- let's start with the
7 first tab then, which would be tab 84. I will refer
8 to these as tabs and so that I don't confuse the
9 record too much and actually the -- Mr. Campbell's
10 mini-procedure, when we come and do that then we will
11 formally refer to them as exhibit whatever it is, I'm
12 assuming it will be the same numbers and we can just,
13 you know, formally put it in the record at that point
14 as marked exhibits, as identified exhibits,
15 stipulation, you know, referred to, bang it comes in.

16 We should be in and out of here in
17 certainly under an hour, even after we say good
18 morning and goodbye. Okay. Let's start with Ben
19 Bowen, Tab 84.

20 MR. CAMPBELL: I don't have the tab numbers
21 in front of me so let me dig and find my Mr. Bowen if
22 I have it now. Where is Bowen?

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1 ADMIN. JUDGE SIPPEL: I'm just using the
2 tab numb -- I'm referring to these colloquially as the
3 tab numbers, because this is the way that they were
4 identified in the order that I issued and they had
5 been identified to me by Complainant's counsel in some
6 of the briefings.

7 MR. CAMPBELL: That's fine, Your Honor,
8 we'll refer to it that way. The -- the first point
9 that I would make with respect to these motions to
10 strike is a general point that would apply to all of
11 them and I have a couple of the general points, so
12 this would apply to all of Tabs 84-90. And that is
13 that the Complainant's designated the deposition
14 excerpts by page number, not by page and line number,
15 and so what we have is a situation where they're on
16 any given page that they have designated and let me
17 find one as exemplary. If you could turn to Page 14
18 of Tab 84.

19 ADMIN. JUDGE SIPPEL: Page --
20 what is it?

21 MR. CAMPBELL: Page 14, Your Honor.

22 MR. COOK: That is the Complainant's depo

1 excerpts page.

2 MR. CAMPBELL: From Mr. Bowen, correct.
3 I've got Page 14.

4 MR. COOK: Page 14 of his deposition?

5 MR. CAMPBELL: Correct. A page that you
6 designated.

7 MR. COOK: Which is Complaint's depo
8 excerpts Page 50.

9 ADMIN. JUDGE SIPPEL: Well it's page --
10 it's the depo excerpt 50, but it's Page 14 -

11 MR. COOK: Okay.

12 ADMIN. JUDGE SIPPEL: Of the deposition.

13 MR. COOK: Correct. Got it.

14 MR. CAMPBELL: And what we have on this
15 page is an incomplete answer that rolls over from Page
16 13 at the top of the page and at the bottom of the
17 page you have a question with no answer, and so I just
18 want to be sure with respect to all of these
19 depositions that what we're talking about on a given
20 page is only the complete questions and answers that
21 appear on that page, not any incomplete phraseology
22 statements, objections, whatever may be present. Is

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1 that making sense?

2 ADMIN. JUDGE SIPPEL: Well page -- the
3 answers -- the question is so did Mr. Brooks retire
4 and then Page 15 up above says yes he did. So I mean
5 that -- the --

6 MR. CAMPBELL: And that's my point, Page 15
7 is not designated, Page 13 is not designated. What is
8 designated is Page 14 and there are only complete
9 questions and answers from Line 4 through Line 22. And
10 I think I saw MR. Cook nodding his head and so I think
11 we may be in an area where we have another agreement,
12 but my understanding on all of these depositions, when
13 they designate it by page it is only complete
14 questions and answers that appear on that page,
15 everything else is not in evidence.

16 ADMIN. JUDGE SIPPEL: Well I don't
17 understand that, because this says Complainant -- it
18 says on the bottom depo excerpts Page 50, which was
19 done for internal marking, but I've got page -- the
20 deposition pages that appear on that Page 50 are 13,
21 14, 15, and 16.

22 MR. CAMPBELL: Right. Can I approach, Your

1 Honor, I think I can --

2 ADMIN. JUDGE SIPPEL: Sure.

3 MR. CAMPBELL: Visually demonstrate this a
4 little better.

5 ADMIN. JUDGE SIPPEL: Yes, feel free.

6 MR. CAMPBELL: Here's Page 14, which has
7 been designated, just this page.

8 ADMIN. JUDGE SIPPEL: Where has that been
9 designated?

10 MR. COOK: Your Honor, I believe counsel is
11 referring to --

12 ADMIN. JUDGE SIPPEL: Is there a lead in to
13 this?

14 MR. COOK: The page -- the cover page of
15 the Complainant's deposition excerpt lists the precise
16 pages.

17 MR. CAMPBELL: Right.

18 ADMIN. JUDGE SIPPEL: I got you. Okay.
19 I'm sorry. I'm sorry.

20 MR. COOK: And I think the answer to Mr.
21 Campbell's question is yes we --

22 ADMIN. JUDGE SIPPEL: I follow you now.

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1 MR. COOK: We designated by page, but only
2 those pages, so if there is an incomplete question
3 that runs on to a page that's not designate then we
4 don't coffer that.

5 ADMIN. JUDGE SIPPEL: Well, I would be
6 inclined -- what I -- I mean I don't know how much
7 work you want to do on this, but if you've got this
8 thing -- if you've got whatever -- if Page 50 includes
9 what you're going to cite in your proposed findings,
10 even though it's 13, 14, 15, and 16 of the deposition
11 what's wrong with allowing that to come in to evidence
12 unless you have something in there that you want to
13 strike?

14 MR. COOK: We don't have a problem with
15 that suggestion.

16 ADMIN. JUDGE SIPPEL: Well I wanted to ask
17 Mr. Campbell.

18 MR. CAMPBELL: We do, Your Honor, and
19 that's what we're trying to do is streamline the
20 record. We don't want anything in there that doesn't
21 need to be in there and we haven't reviewed or -- I
22 mean they've designated one page. We're fine that the

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1 exhibit includes that other material, but it can't be
2 relied upon in the proposed findings of fact and
3 conclusions of law. And all I'm trying to get at is
4 that if they designate Page 14, which they have done
5 in their submission, that the only evidence that's
6 coming in on Page 14 are the complete questions and
7 answers. And I think Mr. Cook has agreed to that.

8 ADMIN. JUDGE SIPPEL: I see. So in other
9 words the question with respect so did Mr. Brooks
10 retire that would be stricken.

11 MR. CAMPBELL: Correct.

12 ADMIN. JUDGE SIPPEL: Because we don't want
13 to bother going into the rest of it.

14 MR. CAMPBELL: Correct and Lines 1 through
15 3 on Page 14 would be stricken.

16 ADMIN. JUDGE SIPPEL: Well, you know, the
17 sensible thing to do, since we're doing all of this
18 work anyway, would be to -- to just -- and we have to
19 get rid of the subject of protective conditions anyway
20 -- would be to recast these as Mr. Shook would say,
21 streamline by simply taking out -- I don't know what
22 your photocopy procedure would be, but you just block

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1 out that 14, Page 14, and that would be on one page
2 and everything else comes out or you could mask
3 everything else in here, so that somebody who's going
4 through the record trying to, you know, tie in the
5 excerpt evidence with proposed findings, all they have
6 to do is just look at that, they don't have to look at
7 all of this other stuff.

8 MR. COOK: Your Honor, I suppose that that
9 could be done. I think that we're in a tricky spot in
10 terms of doing it now within the time frame between
11 now and the -- the filing on the 30th, because that
12 would take quite a fair amount of time and the only
13 thing that we're putting in evidence has been clearly
14 labeled. But since -- now if this -- if this is going
15 to be cleared up at the session though that Your Honor
16 and Mr. Campbell talked about then that session is not
17 necessarily in the next two weeks when we're getting
18 all of this -- this briefing and oral argument ready.
19 We could certainly do that.

20 ADMIN. JUDGE SIPPEL: I don't -- I mean
21 that's one approach the other approach would be to --
22 to just to cross out what's in here that's not to be

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1 considered. We could do that very neatly with a line,
2 you're going to have to take out -- this is on the
3 bottom of the page anyway, which is confidential. So
4 how you do it mechanically to me -- it doesn't bother
5 me, but I'd like to see -- and also, remember, I'm
6 working through this with you. So I can handle this
7 the way it is before me right now.

8 MR. COOK: Okay.

9 ADMIN. JUDGE SIPPEL: After I make the
10 rulings on the motions to strike I can handle all of
11 that.

12 MR. COOK: So it doesn't have to be done in
13 the next few weeks.

14 ADMIN. JUDGE SIPPEL: So it doesn't have to
15 be done for me for purposes of -- making time, but at
16 some point in time. And I want it to be, you know,
17 after you get -- finish your briefing I want it to be
18 soon after that. So we can get this squared away so
19 we can -- it's a question of putting the public record
20 in the proper form. That's what this is all about.

21 MR. SEIVER: Your Honor -- to -- I think
22 that the -- the suggestion of X-ing through the pages

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1 and the incomplete questions and answers we would do
2 for every page that we're submitting and if -- because
3 sometimes we're not going to have that -- they go on
4 for successive pages. Why don't we do that and when
5 we're done with that, we'll pull those pages and make
6 that the exhibit, for example, for Bowen would be
7 Exhibit 84 and we'll add Mr. Campbell's pages. And
8 we'll go on the understanding today that our
9 designations follow the cover pages and that's all
10 that we rely upon in our proposed findings. So with
11 that understanding we don't have to do a fire drill to
12 come back in ahead of time, but we will -- why don't
13 we in July if -- if -- if it's possible with Your
14 Honor's schedule then come back after our initial
15 filings, I think, we will have a lull the Bureau will
16 be commenting and then our reply filing sometime
17 before our reply filing and get that done, unless Your
18 Honor wanted to wait until even after the reply
19 filing.

20 ADMIN. JUDGE SIPPEL: It -- you know I
21 don't really have a strong feeling about it as long as
22 it gets done right and it gets done efficiently and

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1 quickly. I don't want it to obviously -- I don't want
2 it to interfere with -- with the -- you know with the
3 main game, which is getting filings. I can deal with
4 this, but the public records can't deal with it,
5 because it's going to -- you know -- well I don't have
6 to repeat myself you know -- you know what the story
7 is this thing goes up three levels and they look at
8 the stuff --

9 MR. SEIVER: And they're looking at Page 15
10 and they'll say well wait --

11 ADMIN. JUDGE SIPPEL: That makes sense to
12 me and there's no --

13 MR. SEIVER: But that's not in the record.

14 ADMIN. JUDGE SIPPEL: That's not the
15 record.

16 MR. SEIVER: So if it's all right with Mr.
17 Campbell why don't we endeavor to get that done, but
18 not distract ourselves from getting the filings done,
19 and if we can do that in July then we would ask Your
20 Honor for a scheduled day to come back in and do the -
21 - the one hour session.

22 ADMIN. JUDGE SIPPEL: You can -- you can

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1 let me know what's going on. You -

2 MR. SEIVER: Maybe --

3 ADMIN. JUDGE SIPPEL: You've got no problem
4 reaching me, so I'm sure you -- in the past you
5 haven't, I'm sure you'll tell me what's going on and,
6 you know, propose a time and let me know what you --
7 you know -- what you want to do and how you want to do
8 it and we can do it on a telephone conference call and
9 then I can get an order out and get it down. Or I'm
10 just going to assume that it's being taken care of.

11 MR. SEIVER: I know that the argument day
12 is -- we moved the argument day to July 6th.

13 ADMIN. JUDGE SIPPEL: Right. That's true.
14 Well you're giving me an update then.

15 MR. SEIVER: The next day, Your Honor.

16 ADMIN. JUDGE SIPPEL: You know -- I say --
17 I don't want this to -- I don't want this to -- I
18 don't want you to lose focus on what you're -- what
19 the main focus is, on the other hand this has got to
20 be done. And I'm -- you know -- whether you want to
21 refer to this I -- I'm going to ask Mr. Shook to help
22 me out on this. This has the Complainant's depo

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1 excerpts and then they're paginated at the bottom,
2 which dated internally, which is a good job. Does it
3 make any difference whether or not we have that or can
4 we just rely on the -- because the citation is going
5 to be to -- it's going to be deposition of Ben Bowen
6 Page 14, Line whatever it is. That' show they're
7 going to do it in there.

8 MR. SHOOK: So as long as everybody, I hate
9 to use this expression, is on the same page.

10 ADMIN. JUDGE SIPPEL: Yes.

11 MR. SHOOK: In terms of how these materials
12 are designated that will work, where the confusion
13 will come would be if one party insisted on citing the
14 material in a certain fashion and the other party
15 cited it in a different fashion even if you were able
16 to understand it in the end there could be a giant
17 mess, and so perhaps depending on how this exhibit
18 ultimately looks you may want to try to specify when
19 you refer to this exhibit cite it in this fashion.

20 ADMIN. JUDGE SIPPEL: Well I could say that
21 right now. If you're going to put up -- if you're
22 going to cite to Ben Bowen's deposition in your

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1 proposed findings it's going to be Ben Bowen depo,
2 whatever exhibit it is, excerpt or whatever --
3 Complainant's Exhibit 80 -- Tab 84, Exhibit 84 at TR
4 and then whatever the TR or the deposition is.

5 MR. SHOOK: So --

6 ADMIN. JUDGE SIPPEL: There's no need to go
7 into all of this other stuff about --

8 MR. SHOOK: The internal definition is
9 irrelevant.

10 ADMIN. JUDGE SIPPEL: I don't need it.

11 MR. CAMPBELL: I think that was an effort
12 to comply with your previous orders --

13 ADMIN. JUDGE SIPPEL: Yes, it was.

14 MR. CAMPBELL: Except for the pagination,
15 but I do think that it introduces a potential element
16 of confusion.

17 ADMIN. JUDGE SIPPEL: Yes, it was.

18 MR. CAMPBELL: So we should just -- you
19 know -- when we go through them clean it up, take
20 those off. Take that out.

21 ADMIN. JUDGE SIPPEL: Take -- take that
22 out. If you're going to be taking out everything, I

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1 mean for this record, just making this very clear, but
2 right on the bottom of the page of each of these
3 transcripts it says confidential dash subject to
4 protective conditions and EB Docket Number 04-381.
5 That's going to have to be taken out so that that
6 designation up above it Complainant's Depo Excerpts
7 Page 50, that can be taken out at the same time. And
8 then the only thing that you're going to cite to, the
9 only thing that anybody reviewing the record compared
10 to what's going to be in my initial decision is going
11 to be tied in with exactly what you've -- you know --
12 it's going to be Bowen's Deposition at TR 14. It's
13 not going to be anything else. So, okay, that will
14 work.

15 MR. CAMPBELL: Okay. Yes, Your Honor.

16 ADMIN. JUDGE SIPPEL: That will work. And
17 the only reason I gave you that instruction on the
18 internal document -- it wasn't necessarily to address
19 deposition pages that we don't number, it's these
20 multiple documents, which come in a package and they
21 don't have any numbering system on them and -- and so
22 if there is already an internal numbering system that

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1 makes sense with the document that doesn't -- that
2 doesn't mean that you have to add on to that. You did
3 the right thing. I don't mean to criticize that, but
4 that's what I was intending to get across is I don't -
5 - it's happened to me -- not only -- too -- too many
6 cases where you get a multiple page document, but it's
7 not internally numbered so that when you refer to it
8 everybody has to sit around and count the numbers, but
9 --

10 MR. COOK: So and this -- just to sum up
11 we'll cite it and compose findings as Complainant's
12 Exhibit 84 or Bowen Deposition TR Page blank.

13 ADMIN. JUDGE SIPPEL: Exactly.

14 MR. COOK: Right.

15 ADMIN. JUDGE SIPPEL: Exactly. All right.
16 Is that okay Mr. Campbell. And -- and you all,
17 hopefully, will agree in terms of how you're going to
18 cite it. So that you're both citing -- citing the
19 same way with the deposition and the testimony.

20 MR. CAMPBELL: Yes, I think that would be
21 helpful for us to have a common, you know, set of
22 labels for our citations.

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1 MR. SEIVER: Same exhibit number, and then
2 you'll just have a different page. If you don't
3 like 14 you might want 16, you'll say 16.

4 MR. CAMPBELL: Correct.

5 ADMIN. JUDGE SIPPEL: All right. I think
6 we're on target.

7 MR. SHOOK: It's not going to be a problem
8 for the Judge, it's not going to be a problem for the
9 Bureau, but it could be a problem for the Office of
10 General Counsel, who is preparing the commission
11 document when they're trying to figure out what
12 evidence you're referring to. If the numbering isn't
13 clear they're not going to be able to find it.

14 MR. CAMPBELL: Right. And that was the
15 origin of my original concern or objection with the
16 partial questions and answers. We've got to really
17 make sure we have a neat package of what's in and
18 what's not. So I -- I think we're there.

19 ADMIN. JUDGE SIPPEL: Because if they can't
20 understand it, I know who they're going to call. And
21 then I've to tell them I can't talk to them, because -
22 - so there we go. All right. Let's start. Mr. -- Mr.

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1 Campbell, I'm going to ask you to take the lead on
2 this.

3 MR. CAMPBELL: Correct. Happy to do that
4 Your Honor. We are on Tab 84, the deposition of Ben
5 Bowen still and I will move out of the general sort of
6 objection stance and into some specific objections,
7 they are rather limited on Mr. Bowen. I would ask you
8 to first turn to Page 138 and Tab 84.

9 With respect to the questions and answers.

10 ADMIN. JUDGE SIPPEL: I'm sorry. Would you
11 give me the page again?

12 MR. CAMPBELL: One hundred thirty eight,
13 Your Honor.

14 MR. SEIVER: Excerpt 64, Your Honor.

15 MR. CAMPBELL: Demonstrating again the
16 problem with multiple numbering.

17 ADMIN. JUDGE SIPPEL: Okay. I got you.

18 MR. CAMPBELL: Okay. Lines 1 through 23
19 and then rolling over to the top of Page 139 at Lines
20 1 through 3, are a series of questions concerning a
21 case, a Florida Power case, a previous Supreme Court
22 case, and I don't think the witness' recollection or

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1 vague recollection of certain language that may or may
2 not have appeared in that case is relevant or proper
3 testimony. It is asking him legal conclusions, legal
4 opinions, and I think it should be stricken.

5 ADMIN. JUDGE SIPPEL: Let me -- let me see
6 if I follow, first of all, where you are. You're on
7 TR 138.

8 MR. CAMPBELL: Correct, rolling up --

9 ADMIN. JUDGE SIPPEL: And over to 139, now
10 where does it refer to the -- to -- to a case?

11 MR. CAMPBELL: It begins on Line 1 --

12 ADMIN. JUDGE SIPPEL: Let me --

13 MR. CAMPBELL: Rolling over to Line 2, I
14 presume you're aware that the Florida -- Florida Power
15 challenged the FCC's cable formula and statute.

16 ADMIN. JUDGE SIPPEL: In the Supreme Court.

17 MR. CAMPBELL: Correct.

18 ADMIN. JUDGE SIPPEL: And he says somewhat
19 familiar with it. All right. And then there's a
20 question which -- and then he says I vaguely remember
21 that and the more specific the question -- okay --
22 question, I thought that what you said is and then the

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